

Message Text

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PAGE 01 SANTO 04699 272133Z
ACTION SCS-05

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FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 1433

UNCLAS SANTO DOMINGO 4699

E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD

REF: STATE 147704

1. THE FOLLOWING INFORMATION HAS BEEN FURNISHED TO THE EMBASSY
BY THE ATTORNEY GENERAL OF THE DOMINICAN REPUBLIC.

A. DOMINICAN LAW REREQUIRES THAT DEFENDENTS IN CRIMINAL CASES
BE REPRESENTED BY AN ATTORNEY. IF THE DEFENDENT IS UNABLE TO PAY
FOR LEGAL ASSISTANCE THE JUDGE IN HIS CASE WILL APPOINT A PUBLIC
DEFENDER TO REPRESENT HIM AND TO ASSIST HIM IN EVERY STAGE OF
THE CASE.

B. IN CIVIL AND COMMERCIAL CASES LEGAL PERSONS, I.E. INDIVIDUALS
OR COMPANIES ETC, THAT ARE UNABLE TO AFFORD LEGAL ASSISTANCE
EITHER AS PLAINTIFFS OR DEFENDENTS MAY REQUEST THAT THE COURT
APPOINT A PUBLIC DEFENDER. HOWEVER THE COURT IS NOT OBLIGED TO
DO SO AND WILL REQUIRE EVIDENCE OF THE FINANCIAL INCAPACITY OF THE
INDIVIDUAL BEFORE DECIDING WHETHER OR NOT TO APPOINT A PUBLIC
DEFENDER.

C. THE ABOVE PROVISIONS OF LAW APPLY TO FOREIGNERS AS
WELL AS TO DOMINICANS.

2. THE EMBASSY IS AWARE OF ONLY ONE CASE IN WHICH A PUBLIC
DEFENDER WAS ASSIGNED TO REPRESENT AN AMERICAN CITIZEN. THAT CASE
INVOLVED A JUVENILE IN POSSESSION OF MARIJUANA AND THE CASE
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WAS HANDLED ROUTINELY AND DEFENDENT WAS RELEASED TO CUSTODY OF
PARENTS. LOCAL ATTORNEYS WITH WHOM WE HAVE DISCUSSED THE ROLE OF
PUBLIC DEFENDER TEND TO DENIGRATE ITS EFFECTIVENESS AND AT LEAST
ONE ATTORNEY HAS STATED THAT THE PUBLIC DEFENDER ONLY REPRESENTS
THE CLIENT BEFORE THE COURT AND DOES NOT WORK WITH THE CLIENT TO
PREPARE THE CASE AHEAD OF TIME.
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